

OGC Has Reviewed

OGC 75-3802
17 October 1975

MEMORANDUM FOR: Director of Security

SUBJECT : USIB Declassification Guidelines

1. Confirming our conversation of today I am forwarding herewith a redraft of the proposed declassification Guidelines. The redraft meets a number of legal difficulties and I believe also simplifies and clarifies generally. You may want to substitute the redraft for Security Committee consideration.
2. The redraft attempts to retain the substance of the proposed Guidelines; that is, the same categories or types of information would require continued classification.
3. A major problem--for which I know of no solution--remains. With whatever guidelines are available, review personnel are going to have to make judgments, in many cases without sufficient information. For example, how is the reviewer to know that the information furnished by the source could be used "as grounds for criminal or civil charges against him" by his government? How is he to know that the information "is not authorized for release by" the country of the individual who furnished it?

STATINTL

Associate General Counsel

Attachment

cc: AI/DDA

INTELLIGENCE COMMUNITY GUIDELINES FOR DECLASSIFICATION
OR EXTENDED CLASSIFICATION OF INFORMATION CONCERNING
INTELLIGENCE SOURCES AND METHODS

INTRODUCTION

1. This memorandum of classification-declassification Guidelines is issued by the Chairman, USIB, with the concurrence of the USIB. It is intended primarily for the use and guidance of personnel of departments and agencies of the intelligence community and personnel of the Archivist of the United States engaged in the systematic declassification review of 30-year old documents as required by section 5(E)(2) of Executive Order 11652. USIB member agencies and the Archivist are encouraged to issue appropriate instructions and directives to make these Guidelines binding on personnel engaged in such review functions.

2. It is intended that review personnel will make the classification-declassification recommendations to department and agency heads on the basis of these Guidelines. Under the Executive order, the classification-declassification decisions must be made by heads of departments and agencies. The Guidelines supplement and implement, but in the main do not duplicate or restate, the requirements of the National Security Council directive.

3. The Guidelines are concerned with the review of classified national security information only to the extent that the classification or declassification decisions are based on intelligence sources and methods information. Some or all of the national security information in a document which required the classification of that document of course may be information of some other nature or character.

CONTINUED CLASSIFICATION OF SOURCES

4. Information the disclosure of which would identify as an intelligence source an individual of any of the following types must remain classified at the appropriate classification level for an additional 70 years:

a. One who furnished information which is protected or not authorized for release by his country or the organization to which he is attached; or

b. one whose government requires its nondisclosure; or

c. one whose identity the U.S. Government has agreed not to disclose; or

d. one who furnished information which could be used by a foreign government as grounds for criminal or civil charges against him; or

e. one whose known association with any representative of a U.S. Intelligence Service would be prejudicial to him or to his employer, employees, or relatives; or

f. one who furnished information or cooperated with U.S. intelligence with the implicit or explicit understanding that his role would be kept in confidence; or

g. one whose disclosure would place him or his relatives or close associates in jeopardy; or

h. one whose disclosure would reasonably be expected to jeopardize his continued provision of intelligence.

CONTINUED CLASSIFICATION OF METHODS

5. Information the disclosure of which would reveal techniques, procedures or equipment employed for covert communications, technical surveillance or countersurveillance devices or strategies, or escape and evasion techniques must remain classified at the appropriate classification level for an additional 20 years.

6. Information the disclosure of which would reveal that named or identified organizations have provided intelligence cover must remain classified at the appropriate classification level for an additional 70 years.

CONTINUED PROTECTION OF METHODS OF COMMUNICATIONS INTELLIGENCE OR CRYPTOGRAPHY

7. Information which would disclose the processes, techniques, technical material or equipment, operations or overall scope of communications intelligence or cryptographic security must remain classified at the appropriate classification level for an additional 70 years.